

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JENNIFER BRADLEY,
100 Lakewood Drive
Pequea, PA 17565
Plaintiff,

Case No.

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, d/b/a NCAA
700 W. Washington Street
Indianapolis, Indiana 46206

Serve: Dr. Mark A. Emmert
President
700 W. Washington Street
Indianapolis, Indiana 46206

~and~

THE PATRIOT LEAGUE
3773 Corporate Parkway
Suite 190
Center Valley, PA 18034

Serve: Carolyn Schlie Femovich
Executive Director
3773 Corporate Parkway
Suite 190
Center Valley, PA 18034

~and~

THE AMERICAN UNIVERSITY
4400 Massachusetts Ave., NW
Washington, DC 20016

Serve: Douglas Kudravetz
4400 Massachusetts Ave., NW
Washington, DC 20016

~and~

MARYLAND SPORTS MEDICINE CENTER

3420 Morningwood Drive
Olney, M.D. 20832

Serve: David L. Higgins, M.D. P.C.
3104 Black Chestnut LN
Chevy Chase, M.D. 20815

~and~

DAVID L. HIGGINS, M.D. P.C.
17904 Georgia Avenue
Suite 215
Olney, MD 20832

Serve: Charlotte Higgins
17904 Georgia Avenue
Suite 215
Olney, MD 20832

~and~

DAVID L. HIGGINS, M.D.
17904 Georgia Avenue
Suite 215
Olney, MD 20832

~and~

THE UNITED STATES OF AMERICA

Serve:
Derrick Wayne Grace, Esq.
U.S. Attorney's Office for the District
of Columbia
555 Fourth Street, NW
Washington DC 20530

Defendants.

NOTICE OF REMOVAL OF A CIVIL ACTION

Plaintiff, by and through undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §§1442(a)(1), 1446, and 2679(d)(2). In support of this Notice, Plaintiff states the following:

1. In 2014, Plaintiff filed several civil actions against multiple Defendants identified as Civil Action Numbers 2014 CA 004932 B; 2014 CA 006549 M; 2014 CA 006588 M; 2014 CA 006622 M; & 2014 CA 006782 M, that were eventually consolidated under the first filed action 2014 CA 004932 B. Multiple Complaints were required to be filed in order for Plaintiff to comply with the statutory provisions under District of Columbia's Medical Malpractice Act. See D.C. Code Ann., Judiciary and Judicial Procedure, §§ 16-2801, *et seq.*
2. In April of 2015, The United States of America filed a Notice of Removal of the consolidated actions under the theory that Aaron Williams, D.O., a named Defendant in the underlying actions, was a Federal Employee acting within the scope of his employment.
3. As a result of the USA's removal, this Court opened Civil Action No. 15-cv-00535.
4. With numerous preliminary motions pending, on December 10, 2015, this Court ruled solely on the Federal Defendant's Motion to Dismiss the claim for failure to satisfy a condition precedent. (Exhibit 1: Document 18 filed in Case No. 1:15-cv-00535-RBW). The Court's opinion stated that because the six month notice provision had not yet lapsed from the date Plaintiff filed her Form 95, "the claims against the United States must be dismissed at this time." (Exhibit 1 at page 11). The Court then remanded the matter back to Superior Court.
5. Given the fact that the six month notice provision had in fact been exhausted, on December 22, 2015, Plaintiff then filed a Partial Consent Motion to Amend Complaint and Remove to Federal Court. (Exhibit 2).

6. On February 19, 2016, the Superior Court granted the Motion to Amend the Complaint. (Exhibit 3).

7. On February 23, 2016, in compliance with the Superior Court's ruling, Plaintiff filed the attached Amended Complaint and Civil Cover Sheet. (Exhibit 4 & 5)

8. The Amended Complaint seeks damages against the United States in excess of \$1,000,000.

9. Pursuant to 28 U.S.C. § 1442(a)(1), this Court has original jurisdiction over all claims against the United States of America and should also exercise supplemental jurisdiction over the additional claims as all such claims arise out the same factual circumstances.

10. Additionally, pursuant to 28 U.S.C. §2679, the underlying Consolidated Actions "shall be removed" to the District Court.

Respectfully submitted,

PAULSON & NACE, PLLC

/s/ Matthew A. Nace

Matthew A. Nace, Esq, Bar No. 29684
PAULSON & NACE, PLLC
1615 New Hampshire Avenue, NW
Washington, DC 20009
man@paulsonandnace.com
202-463-1999 (Tel.)
202-223-6824 (Fax)

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2016 I caused a true and exact copy of the foregoing to be served via U.S. Mail upon:

John J. Murphy, Esq.
Christine F. Hein, Esq.
Walker, Murphy & Nelson, LLP
9210 Corporate Boulevard
Suite 320
Rockville, MD 20850
Phone: (301) 519-9150
Fax: (240) 599-1144
Attorneys for American University

H. Kenneth Armstrong, Esq.
Mary K. Fallon, Esq.
Armstrong, Donohue, Ceppos, Vaughan & Rhoades
204 Monroe Street, #101
Rockville, MD 20850
Attorneys for Defendants MSMC; Dr. Higgins,
and David L. Higgins, M.D., P.C.

Christian Word, Esq.
Sarah A. Greenfield, Esq.
Sarah M. Gragert, Esq.
Kevin A. Chambers, Esq.
Christian.Word@LW.com
Latham & Watkins, LLP
555 Eleventh Street, NW
Washington, DC 20009
Phone: (202) 637-2223
Fax: (202) 637-2201
Attorneys for NCAA

Daniel Costello, Esq.
Wharton Levin Ehrmantraut & Klein, P.A.
Wharton Levin Ehrmantraut & Klein, P.A.
104 West Street
P.O. Box 551
Annapolis, MD 21404-0551
Phone: (410) 263-5900
Fax: (410) 280-2230
Attorneys for Patriot League

/s/ Matthew A. Nace
Matthew A. Nace